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2 The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Monday,  
3 March 13, 2012 at Westfield City Hall. Members present included Dan Degnan, Randy Graham,  
4 Martin Raines, Bill Sanders, and Ron Rothrock. Also present were Kevin Todd, Senior Planner;  
5 Ryan Clark, Planner; and City Attorney, Matt Strzynski.  
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8 **APPOINTMENT OF 2012 OFFICERS**  
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10 Degnan nominated Randy Graham as Chairman of the 2012 Board of Zoning Appeals.  
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12 Raines seconded, and the motion passed by voice vote.  
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14 Degnan nominated Bill Sanders as Vice Chairman of the 2012 Board of Zoning Appeals.  
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16 Graham seconded, and the motion passed by voice vote.  
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18 Degnan nominated Martin Raines as Chairman Pro Tem of the 2012 Board of Zoning Appeals.  
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20 Graham seconded, and the motion passed by voice vote.  
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23 Todd reviewed the BZA Rules of Procedure.  
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26 **NEW BUSINESS**  
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29 1203-VS-04     **16508 Oak Road, Dawn and Michael Stelts**  
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31         The petitioner is requesting a Variance of Standard from the Westfield-Washington  
32         Zoning Ordinance (WC 16.04.030.B.6.b) to reduce the side yard setback from 30 feet to  
33         3 feet to accommodate an addition to an existing garage.  
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35 Clark reviewed the petition, which is a variance of standard to reduce the side yard setback  
36 requirements from thirty feet to three feet to accommodate an addition to an existing garage.  
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38 Mrs. Dawn Stelts stated the neighbors to the south are the closest to the structure and there are  
39 actually three tree lines between the structure and the neighbor. She further stated the neighbors  
40 submitted a letter of acceptance.  
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42 A Public Hearing opened at 7:11 p.m.  
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44 No one spoke, and the Public Hearing closed at 7:12 p.m.  
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46 Todd shared an email from a neighbor expressing concern that the tree lines be preserved.  
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Sanders moved to approve 1203-VS-04 with the following condition:

- That the western tree line on the Property referenced in the February 18, 2012 letter be preserved.

Degnan seconded, and the motion passed 5-0.

Graham moved to adopt Staff's Finding of Facts.

Sanders seconded, and the motion passed by voice vote.

1203-VU-02     **800 E. Main Street, LA Landscapes, Inc.**

The petitioner is requesting a Variance of Use from the Westfield-Washington Zoning Ordinance (WC 16.04.050.D.2) to allow a landscaping business in the Local Business (LB) District.

Clark reviewed the petition, which is a variance of use to allow a landscaping business. He stated the property is currently zoned Local Business; the petitioner has included a list of commitments which can be used as conditions of approval.

Sanders asked if odor would be a problem.

Mr. Jeff Bellamy, representing the petitioner, shared details of the project including usage and services as well as lighting; he further stated there will be no bulk storage on the site, which would prevent any odor.

Sanders asked how left over materials are disposed of since they are not stored on site.

Mr. Lee Ackerman, President of LA Landscapes, stated most of the materials are delivered to job sites and used up during the job. He added there may be a few wheel barrels of mulch that come back on the truck.

Sanders asked if any security lights will be added.

Ackerman responded some cameras have been installed on the corner of the building but no additional lighting.

Rothrock asked what hazardous material precautions are in place.

Ackerman responded no hazardous materials will be stored on site other than fuel, and there are fire extinguishers by each door.

Rothrock specifically asked about chemicals used for treatment or weed control.

Ackerman responded only enclosed containers of Round-Up.

Degnan asked about winter snow removal.

Ackerman responded there will be two snow plow trucks stored in the building.

A Public Hearing opened at 7:32 p.m.

Ms. Paula Hull spoke in support of the petitioner and the landscape business.

The Public Hearing closed at 7:34 p.m.

Sanders moved to approve 1203-VU-02 with the following conditions:

1. That there be no storage or delivery of bulk landscaping materials on-site; indoors or outdoors.
2. That there be no outdoor storage of equipment. All equipment shall be located indoors.
3. That there be no repair or maintenance of equipment outdoors. All maintenance shall be done indoors.
4. That there be no Semi-trucks on-site.
5. That there be no bulk fuel / petroleum storage on-site; indoors or outdoors.
6. That a wooden stockade fence, a minimum of six (6') feet in height, be installed along the northern boundary of the Property no later than May 1, 2012 at a distance indicated on the site plan.
7. That no speakers be installed on the exterior of the building.
8. That all lighting complies with the lighting requirements of WC 16.07.010.

Raines seconded, and the motion passed 5-0.

Graham moved to adopt Staff's Finding of Facts.

Sanders seconded, and the motion passed by voice vote.

**1202-VS-01     525 West David Brown Drive, Tom Roush, Inc.**

The petitioner is requesting multiple Variances of Standard from the Westfield-Washington Zoning Ordinance, as follows (WC 16.08.010.D.4) to allow the modification of pole sign copy; (WC 16.08.010.D.6) to permit temporary flag signs; (WC 16.08.010.E.8) to exceed more than 500 square feet of sign copy; and (WC 16.08.10.G.1.a) to exceed the one (1) square foot of sign area per (1) foot of building fronting on right-of-way standard.

Clark reviewed the petition, which are multiple variances of standard regarding signage. He discussed the sign standards and procedures of surrounding communities.

Mr. Stephen Watson, representing the petitioner, presented further details of the variances, stating the variances are in order to upgrade the property and it is as a result of a franchise agreement with Ford so much of this is outside the petitioner's control.

Mr. Jeff Roush presented further details, stating since Mercury no longer has a franchise there and Ford owns and maintains the sign, Ford will be replacing the current sign with the new Lincoln sign. He added they are remodeling the entire interior of the building as well. Roush expressed concern about the visibility of the dealership when the Major Moves US 31 Project is completed and therefore desires to keep and maintain the Pole flags for better visibility.

A Public Hearing opened at 7:54 p.m.

Mr. Frank Habig spoke in support of Roush and the signage needs.

The Public Hearing closed at 7:56 p.m.

Raines moved to approve 1202-VS-01 as presented.

Sanders seconded, and the motion passed 5-0.

The meeting adjourned at 8:05 p.m.

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Chairman  
Randy Graham

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Secretary  
Matthew Skelton